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OCT 6 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDUARDO DIAZ-MARTINEZ,

Defendant.

2:21-CR-103-GMN-NJK

**Preliminary Order of Forfeiture**

This Court finds Eduardo Diaz-Martinez pled guilty to Count One of a Nine-Count Criminal Indictment charging him with conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 36; Plea Agreement, ECF No. 37.

This Court finds Eduardo Diaz-Martinez agreed to the forfeiture of the property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 19; Change of Plea, ECF No. 36; Plea Agreement, ECF No. 37.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment and the offense to which Eduardo Diaz-Martinez pled guilty.

The following property is (1) any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, 21 U.S.C. §§ 841(a)(1) and 846; (2) any firearm or ammunition intended to be used in any offense punishable under the Controlled Substances Act, 21 U.S.C. §§ 841(a)(1) and 846; (3) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of violations of 21 U.S.C. §§ 841(a)(1) and 846; and (4) any firearm used or intended to be used

1 to facilitate the transportation, sale, receipt, possession, or concealment of property  
2 described in 21 U.S.C. § 881(a)(1) and 881(a)(2), in violation of 21 U.S.C. §§ 841(a)(1) and  
3 846 and any proceeds traceable to such property and is subject to forfeiture pursuant to 18  
4 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1), (2)(C), and (3)(B) with  
5 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(2); and 21 U.S.C. § 881(a)(11) with 28 U.S.C. §  
6 2461(c):

- 7 1. a Springfield XD-S, 9mm S/A handgun, bearing serial number XS935993; and
  - 8 2. any and all compatible ammunition
- 9 (all of which constitutes property).

10 This Court finds that on the government's motion, the Court may at any time enter  
11 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
12 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and  
13 32.2(b)(2)(C).

14 This Court finds the United States of America is now entitled to, and should, reduce  
15 the aforementioned property to the possession of the United States of America.

16 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
17 DECREED that the United States of America should seize the aforementioned property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
19 rights, ownership rights, and all rights, titles, and interests of Eduardo Diaz-Martinez in the  
20 aforementioned property are forfeited and are vested in the United States of America and  
21 shall be safely held by the United States of America until further order of the Court.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
23 of America shall publish for at least thirty (30) consecutive days on the official internet  
24 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
25 describe the forfeited property, state the time under the applicable statute when a petition  
26 contesting the forfeiture must be filed, and state the name and contact information for the  
27 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
28 and 21 U.S.C. § 853(n)(2).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
 2 or entity who claims an interest in the aforementioned property must file a petition for a  
 3 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
 4 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §  
 5 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
 6 right, title, or interest in the forfeited property and any additional facts supporting the  
 7 petitioner's petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
 9 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,  
 10 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was  
 11 not sent, no later than sixty (60) days after the first day of the publication on the official  
 12 internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
 14 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
 15 Attorney's Office at the following address at the time of filing:

16 Daniel D. Hollingsworth  
 17 Assistant United States Attorney  
 18 James A. Blum  
 19 Assistant United States Attorney  
 501 Las Vegas Boulevard South, Suite 1100  
 Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
 21 described herein need not be published in the event a Declaration of Forfeiture is issued by  
 22 the appropriate agency following publication of notice of seizure and intent to  
 23 administratively forfeit the above-described property.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
 25 copies of this Order to all counsel of record.

26 DATED Oct 6, 2021.

27   
 28 GLORIA M. NAVARRO  
 UNITED STATES DISTRICT JUDGE